

# Exhibit 11

*State of California ex rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Labs, Inc. et al., Civil Action No. 03-11226-PBS*

**Exhibit to the November 25, 2009 Declaration of Philip D. Robben  
in Support of Defendants' Joint Motion for Partial Summary Judgment**

CA Dept of Health Care Services (Gorospe, PharmD, J. Kevin)  
Sacramento, CA

December 3, 2008

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 -----X

4 IN RE PHARMACEUTICAL INDUSTRY )

5 AVERAGE WHOLESALE PRICE ) MDL No. 1456

6 LITIGATION )

7 -----X

8 THIS DOCUMENT RELATES TO ) Civil Action:

9 State of California, ex rel. ) 01-12258-PBS

10 Ven-A-Care v. Abbott )

11 Laboratories, Inc., et al. )

12 -----X

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14 WEDNESDAY, DECEMBER 3, 2008

15 --oOo--

16 VIDEOTAPED DEPOSITION OF

17 THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES

18 by J. KEVIN GOROSPE, Pharm.D.

19 --oOo--

20  
21 Reported By: CAROL NYGARD DROBNY, CSR No. 4018

22 Registered Merit Reporter

CA Dept of Health Care Services (Gorospe, PharmD, J. Kevin)  
Sacramento, CA

December 3, 2008

Page 184

1 Q. -- for that.

2 Just to set the stage, you work today  
3 for the Department of Health Care Services of the  
4 State of California; is that correct?

5 A. That is correct.

6 Q. And that Department administers the  
7 California Medicaid program, which is also known  
8 as Medi-Cal; is that right?

9 A. That's correct.

10 Q. And you are the -- currently the Chief  
11 of Medi-Cal Pharmacy Policy?

12 A. I'm Chief of the Medi-Cal Pharmacy  
13 Policy Branch.

14 Q. Okay. And have you been -- held that  
15 position since 2000?

16 A. Essentially, yes.

17 There was a reorganization in -- in  
18 2007, which changed the structure of the  
19 Department, and -- and the different division,  
20 but essentially I've been Chief of the Pharmacy  
21 Policy since 2000.

22 Q. Okay. And do I understand correctly

CA Dept of Health Care Services (Gorospe, PharmD, J. Kevin)  
Sacramento, CA

December 3, 2008

Page 192

1 know, roughly, are covered by the pharmacy  
2 program?

3 A. In any single quarter the number of  
4 NDCs ranges from approximately 20 to 26,000.

5 Q. 20,000 to 26,000?

6 A. That's correct.

7 Q. Okay. And are these manufactured by a  
8 large number of drug manufacturers?

9 A. Yes.

10 Q. Do you have any general estimate of  
11 approximately how many manufacturers are  
12 represented by these 20,000 to 26,000 NDCs?

13 A. Over 300 different labelers.

14 Q. In terms of expenditures for drugs,  
15 which -- do brand drugs account for more or less  
16 than multisource drugs?

17 A. In terms of gross expenditures,  
18 payments to pharmacies?

19 Q. Yes.

20 A. Is that what you're talking about?

21 Q. Yep.

22 A. They -- single source and innovator

CA Dept of Health Care Services (Gorospe, PharmD, J. Kevin)  
Sacramento, CA

December 3, 2008

Page 193

1 multiple source products account for  
2 approximately 80 percent of the expenditure.

3 Q. And when you say "single source or  
4 multisource innovators," is that -- are those  
5 descriptions commonly referred to, at least in  
6 lay terms, as "brand drugs"?

7 A. Yes.

8 Q. Okay. And I take it then generic drugs  
9 or multisource noninnovator drugs make up for  
10 about 20 percent of pharmacy program  
11 expenditures?

12 A. That's correct.

13 Q. Approximately how many claims for  
14 reimbursement are submitted and processed by  
15 Medi-Cal?

16 And I don't know whether to ask per  
17 month or year.

18 A. Currently or pre -- you want pre Part D  
19 or post Part D?

20 Q. Let's start with currently --

21 A. Okay.

22 Q. -- and then I want to ask you --